

THE OTHER PARTY ANY NOTICE REASONABLY NECESSARY TO ENABLE IT TO OBTAIN ACCESS TO, CONTROL, OR POSSESSION OF THE COPY. TENDER MUST BE AT A REASONABLE HOUR AND, IF APPLICABLE, REQUIRES TENDER OF ACCESS MATERIAL AND OTHER DOCUMENTS REQUIRED BY THE AGREEMENT. THE PARTY RECEIVING TENDER SHALL FURNISH FACILITIES REASONABLY SUITED TO RECEIVE TENDER. IN ADDITION, THE FOLLOWING RULES APPLY:

(1) IF THE CONTRACT REQUIRES DELIVERY OF A COPY HELD BY A THIRD PERSON WITHOUT BEING MOVED, THE TENDERING PARTY SHALL TENDER ACCESS MATERIAL OR DOCUMENTS REQUIRED BY THE AGREEMENT.

(2) IF THE TENDERING PARTY IS REQUIRED OR AUTHORIZED TO SEND A COPY TO THE OTHER PARTY AND THE CONTRACT DOES NOT REQUIRE THE TENDERING PARTY TO DELIVER THE COPY AT A PARTICULAR DESTINATION, THE FOLLOWING RULES APPLY:

(A) IN TENDERING DELIVERY OF A COPY ON A TANGIBLE MEDIUM, THE TENDERING PARTY SHALL PUT THE COPY IN THE POSSESSION OF A CARRIER AND MAKE A CONTRACT FOR ITS TRANSPORTATION THAT IS REASONABLE IN LIGHT OF THE NATURE OF THE INFORMATION AND OTHER CIRCUMSTANCES, WITH EXPENSES OF TRANSPORTATION TO BE BORNE BY THE RECEIVING PARTY.

(B) IN TENDERING ELECTRONIC DELIVERY OF A COPY, THE TENDERING PARTY SHALL INITIATE OR CAUSE TO HAVE INITIATED A TRANSMISSION THAT IS REASONABLE IN LIGHT OF THE NATURE OF THE INFORMATION AND OTHER CIRCUMSTANCES, WITH EXPENSES OF TRANSMISSION TO BE BORNE BY THE RECEIVING PARTY.

(3) IF THE TENDERING PARTY IS REQUIRED TO DELIVER A COPY AT A PARTICULAR DESTINATION, THE TENDERING PARTY SHALL MAKE A COPY AVAILABLE AT THAT DESTINATION AND BEAR THE EXPENSES OF TRANSPORTATION OR TRANSMISSION.

21-607. COPY: PERFORMANCE RELATED TO DELIVERY; PAYMENT.

(A) IF PERFORMANCE REQUIRES DELIVERY OF A COPY, THE FOLLOWING RULES APPLY:

(1) THE PARTY REQUIRED TO DELIVER NEED NOT COMPLETE A TENDERED DELIVERY UNTIL THE RECEIVING PARTY TENDERS ANY PERFORMANCE THEN DUE.

(2) TENDER OF DELIVERY IS A CONDITION OF THE OTHER PARTY'S DUTY TO ACCEPT THE COPY AND ENTITLES THE TENDERING PARTY TO ACCEPTANCE OF THE COPY.

(B) IF PAYMENT IS DUE ON DELIVERY OF A COPY, THE FOLLOWING RULES APPLY:

(1) TENDER OF DELIVERY IS A CONDITION OF THE RECEIVING PARTY'S DUTY TO PAY AND ENTITLES THE TENDERING PARTY TO PAYMENT ACCORDING TO THE CONTRACT.